

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

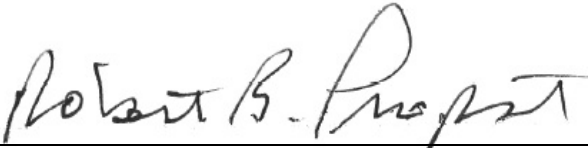
JIMMY DARRELL McCRARY,)	
)	
Petitioner,)	
)	
v.)	Case No. 5:09-cv-1300-RBP-TMP
)	
WARDEN BILLY MITCHEM;)	
ATTORNEY GENERAL OF THE)	
STATE OF ALABAMA,)	
)	
Respondents.)	

O R D E R

On December 14, 2009, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be and the same is hereby DISMISSED.

DONE and ORDERED this the 11th day of January, 2010.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE